

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Douglas Arpert
v. : Mag. No. 11-2504
DUSTIN GARY : ORDER FOR CONTINUANCE

RECEIVED
MAY 27 2011
DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (John E. Clabby, Assistant U.S. Attorney, appearing), and defendant Dustin Gary (Timothy Boney, Esq., appearing), for an order granting a continuance of the proceedings in the above-captioned matter for a period of 30 days to permit defense counsel the reasonable time necessary for effective preparation in this matter, and to allow the parties to conduct plea negotiations and attempt to finalize a plea agreement, and the defendant being aware that the defendant has the right to have the matter submitted to a grand jury within thirty days of the date of the defendant's initial appearance on the complaint, pursuant to Title 18, United States Code, Section 3161(b), and the defendant having consented to the continuance and waived such right, and the parties having sought three prior continuances, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) The United States has prepared and provided certain pre-indictment discovery, which might render any grand jury proceedings and indictment unnecessary;

(2) Taking into account the exercise of diligence and the physical location of the incarcerated defendant, the facts of this case require that defense counsel be permitted a reasonable amount of additional time for effective preparation and investigation of this matter, including reviewing the pre-indictment discovery and meeting with the defendant, who is incarcerated;

(3) Plea negotiations are currently in progress, and both the United States and the defendant desire additional time to negotiate a plea agreement, which would render any grand jury proceedings and any subsequent trial of this matter unnecessary;

(4) Defendant has consented to the aforementioned continuance; and

(5) As a result of the foregoing, pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

IT IS, therefore, on this 21st day of May, 2011,
ORDERED that this action be, and hereby is, continued for a period of 30 days from June 1, 2011, to June 30, 2011; and it is further

ORDERED that the period from June 1, 2011, through June 30, 2011, shall be excludable in computing time under the Speedy Trial Act of 1974.

AS agreed.

HON. DOUGLAS ARPERT
United States Magistrate Judge

Form and entry
consented to:

John E. Clabby
JOHN E. CLABBY
Assistant U.S. Attorney

Timothy J. Boney
Timothy Boney, Esq.
Counsel for defendant Dustin Gary